

can be imposed only in the face of a clear record of delay or contumacious conduct by the plaintiff.” *Morewitz v. West of England Ship Owners Mutual Protection and Indemnity Association*, 62 F.3d 1356, 1366 (11th Cir. 1995) (internal quotes omitted).

The Court finds that this standard is met here. The 41(b) plaintiffs have repeatedly refused to respond to written discovery, have repeatedly refused to appear for deposition, and have disobeyed without excuse the Magistrate Judge’s order to appear in court for mediation. Whether or not they have lost interest in the litigation, the 41(b) plaintiffs’ longstanding pattern of conduct establishes a clear record of delay or willful contempt. The Court expressly finds that no sanction short of dismissal with prejudice will suffice.

Accordingly, the plaintiffs’ motion to dismiss is **granted**. The claims of the 41(b) plaintiffs are **dismissed with prejudice**.

DONE and ORDERED this 20th day of March, 2013.

s/ WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE